

REMARKS/ARGUMENTS

Claims 3-4, 6-9, 11-16, 18, and 20-28 are pending and rejected. Claims 1-2, 5, 10, 17, and 19 were previously cancelled without prejudice or disclaimer.

Claims 3, 4, 6, 7, 11-16, 18 and 20-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindhorst et al., (hereinafter “Lindhorst”), US Pat. No. 6,889,379, in view of Doyle et al., (hereinafter “Doyle”), US Pat. No. 6,839,700. Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindhorst, in view of Doyle, and further in view of Masters, US Pat. No. 6,374,300.

Applicants submit the cited references fail to teach or suggest at least a method for controlling content of a Hyper Text Transfer Protocol (HTTP) header comprising searching content developed by a developer for a set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers, and, generating a HTTP header for the content (*e.g.*, as described in claim 21).

First, Applicants agree with the Office Action’s indication Lindhorst fails to disclose at least searching the content for the set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers, the subset selected based on a detected network condition; and, generating a HTTP header for the content, the generated HTTP header including the selected header information (as recited in claim 21). To make up for the deficiencies of Lindhorst, the Office Action cites to the Figure 8B, Abstract, column 2, lines 14-23, and column 8, 19-41 of Doyle. *See* Office Action dated 9/30/2008, paragraph 7. Applicants respectfully disagree and submit the cited sections fail to support a proper rejection of claim 21.

The Abstract describes that Doyle is directed to performing load balancing of content requests using information regarding the cost of dynamically creating requested document content. Cost metrics are gathered by a server and provided to a load balancing host. The Abstract does not address the relevant limitations of claim 21 discussed above.

Column 2, lines 14-23 is directed to the "object[s]" of Doyle, which include providing improved load balancing techniques that efficiently route requests for dynamic content generation and consider cost metric when determining routing of content requests. Also, for example, column 2, line 56-column 3, line 4 describe utilizing metadata and cookies to obtain the cost metric information described above. However, similar to the Abstract discussed above, the cited reference fails to describe the relevant limitations of claim 21 discussed above; specifically, it fails to teach or suggest at least searching content developed by a developer for a set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers.

Lastly, column 8, lines 19-41 state (describing cited Fig. 8A):

Use of the HTTP header syntax, as illustrated in FIG. 8A, enables cost metrics for any type of content object to be transmitted using a single metric syntax. Assuming that an HTTP GET request such as "GET http://www.abc.xxx/doc.servlet HTTP/1.1" is received at the load balancing host, the response header shown in FIG. 8A indicates the following information: (1) the status is "OK" (see element 805); (2) this is a response message (see element 810); and (3) the generation cost of this response was, for this example, 300 units (see element 815). The "GenerationCost" header shown at 815 is an example of the header syntax that the content servers generate, and that the load balancing host searches for in metric information created by those servers, according to the present invention. Alternatively, other names for this header might be used, or individual headers might be used to separately convey factors which together comprise the overall cost (such as a header for the disk access, a header for the CPU time, and so forth). In this latter case, the load balancing host may store these values separately, or might sum them and store the result.

The cited section describes the use of the above-discussed cost metrics. Upon receiving a request from a user, a load balancing host generates a response header that includes various information, including response generation cost information. For example, the “GenerationCost” header syntax is generated by the content server, and accordingly a load balancing host searches the header syntax for metric information created by the content server. Indeed, the extensive section of column 8, line 3-column 9, line 56 merely describes similar formats that allegedly may be used for conveying the above-discussed metadata within, for example, response messages.

However, Applicants submit the tasks performed by a content server to which a request is sent and a load balancing host is not the same as searching content developed by a developer for a set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers, and, generating a HTTP header for the content (e.g., as described in claim 21). As the current rejection fails to address the limitations of claim 21 as claimed, and as the cited references fail to teach or suggest at least these relevant limitations, Applicants submit the rejection of claim 21 is lacking and should be withdrawn.

Masters fails to make up for the deficiencies of Lindhorst and Doyle. Masters is directed to inserting and examining cookies in the data streams of HTTP connections for the purpose of persistently directing HTTP connections to the same destination. However, inserting and examining cookies in a data stream for the purpose of persistently directing HTTP connection to the same destination is not the same as searching content developed by a developer for a set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers, and, generating a HTTP header for the content. Applicants submit the Masters references as a whole fails to teach or suggest the relevant limitations discussed above.

Accordingly, since none of the cited references teach or suggest at least the above-discussed relevant limitations of claim 21, Applicants submit the §103 rejection of claim 21 should be withdrawn. Applicants further submit independent claim 21 is allowable, and claims 22 and 23 containing similar limitations, are allowable as well. Dependent claims 3, 4, 6, 8, 9, 11-16, 18, 20, and 24-28 are allowable as depending from allowable independent claims.

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

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